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EXAMINER

MACILWINEN, JOHN MOORE JAIN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,076	Applicant(s) KARAOGUZ ET AL.	
	Examiner John M. MacIwinen	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/28/2009 have been fully considered but they are not persuasive.
2. Applicant begins by arguing the rejection made under 35 USC 112 regarding the specifications failure to provide written description support for the claim language "third home" and "from a third home". Applicant argues that the specification supports transferring media "from the first location to one or more other locations . . ." and that the specification further supports that the "first location may be 'a user's home...'" and that the remote location may be "a parents home, and/or a friends home." Applicant's arguments thus address support for the claimed first and second homes; however "one or more other locations" and a "third home/from a third home" are not the same thing. Claims 27 and 32 recite a system at a second home arranging delivery "from a third home" ... "to ...said first home". Applicant's Specification fails to provide support for these limitations; Applicant's arguments to the contrary are unpersuasive.
3. Applicant continues by arguing written description rejections made for claims 28 and 32 regarding the "both of a media peripheral" language. Applicant argues that the specification supports that "exchange of media may also take place between a television and one or more media peripherals". However, exchange between "a television and one or more media peripherals" is not the same thing as "to one or both a media peripheral . . . [and] another media peripheral remotely located". Applicant's argument thus is not persuasive.

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4. Applicant continues by arguing that McKenna does not teach the subject matter of claim 1. However, Applicant's limited interpretation of McKenna is not persuasive. For example, Applicant argues that "while McKenna discloses that one PIO may propagate a 'record action' to other PIOs, McKenna does not disclose or suggest that media is being sent between locations". Applicant's argument is not persuasive as McKenna teaches on col. 6 lines 25 - 30 that "a first STB [set top box] may send a video transmission upstream to a first broadcast center, then to a second broadcast center, and finally downstream to a second STB".

5. Applicant continues to argue that "McKenna does not describe, teach or suggest that one location is command media to be sent from STB 102a to 102b, or vice versa". However, this is precisely what col. 6 lines 25 - 30 of McKenna teaches, as is noted above. Applicant's arguments thus continue to be unpersuasive.

6. Addressing Applicant's continued unpersuasive arguments against McKenna, unpersuasive, for at least the reasons given above, the following further illustrates how McKenna teaches Applicant's claim language, referring to Fig. 1 of McKenna:

The "home location" of claim 1 would correspond to items 102, 104, 106 and 108, appearing on the left side of Fig. 1; that is, a user's set-top box, tv, and remote controls.

The "first media processing device at a first geographic location that is remotely located from the home location", could, in at least one embodiment, be represented by either of the "Broadcast Center's 110.

The "at least a second media processing device at a second geographic location that is remotely located from the home location", could, in at least one embodiment, be represented by the TV 104 and STB 102 on the right hand side of Fig.1.

The controlling communications from the home location (again, items 102/104/106/108) would thus result in media being transmitted 'from' both Broadcast Centers 110, ultimately 'to' STB 102/TV 104 on the right side of Fig. 1.

7. Applicant next argues that "McKenna and Seo does not describe, teach or suggest 'a television . . . located at a second home . . . wherein said television is utilized to arrange delivery of media. . .". Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter for the reasons given below in the 35 USC 112 written description rejection. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 27 and 31 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, said claims reference a 'third home' and media 'from a third home'.

5. Claims 28 and 32 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, said claims reference transferring media to "both of a media peripheral".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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7. Claims 1 - 6, 8 - 15 and 17 - 24 rejected under 35 U.S.C. 102(a) as being anticipated by McKenna (US 6,915,528 B1).

8. Regarding claim 1, McKenna shows a method for supporting communication of media, the method comprising controlling the communication of the media from a television (Figs. 6, 15, col. 4 lines 43 - 54) in a home location within a media processing system, without consuming the media by said television during said controlling, wherein said media processing system comprises a plurality of media processing devices at a plurality of geographic locations (Figs. 6 and 10, col. 6 lines 20 - 30); and

transferring the media from a first media processing device at a first geographic location that is remotely located from the home location to at least a second media processing device at a second geographic location that is also remotely located from the home location according to said controlling communication from said television in the home location (Fig. 1, col. 5 lines 17 - 29, col. 6 lines 20 - 30, col. 15 line 65 - col. 16 line 23).

9. Regarding claim 11, McKenna shows a machine-readable storage having stored thereon, a computer program having at least one code section for supporting communication of media, the at least one code section being executable by a machine for causing the machine to perform steps comprising controlling the communication of the media from a television (Figs. 6, 15, col. 4 lines 43 - 54) in a home location within a media processing system, without consuming the media by said television during said controlling, wherein said media processing system comprises a plurality of media processing devices at a plurality of geographic locations (Figs. 6 and 10, col. 6 lines 20 -

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30); and

transferring the media from a first media processing device at a first geographic location that is remotely located from the home location to at least a second media processing device at a second geographic location that is also remotely located from the home location according to said controlling communication from said television in the home

location (Fig. 1, col. 5 lines 17 – 29, col. 6 lines 20 - 30, col. 15 line 65 - col. 16 line 23).

10. Regarding claims 2 and 12, McKenna further shows generating at least one command from said television causing said transfer of the media (Figs. 6 – 8, col. 11 line 38 – col. 12 line 5 and col. 12 lines 63 - 65).

11. Regarding claims 3 and 13, McKenna further shows receiving at least one command that results in said transfer of the media from said first geographic location to said second geographic location (Figs. 6 – 8, col. 11 line 38 – col. 12 line 5 and col. 12 lines 63 - 65).

12. Regarding claims 4 and 14, McKenna further shows receiving at least one request by said television for said controlling communication of the media (col. 6 lines 20 – 30, col. 11 line 38 - col. 12 line 5, Figs. 6 - 8).

13. Regarding claims 5 and 15, McKenna further shows responding to said received request, said response resulting in said transfer of the media from said first geographic location to said second geographic location (col. 6 lines 20 – 30, col. 11 line 38 - col. 12 line 5, Figs. 6 – 8).

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14. Regarding claims 6 and 16, McKenna further shows wherein said first geographic location and said second geographic location correspond to a location of one or more of a media peripheral, a media processing system, a media storage system, a personal computer and a third party media provider (Figs. 1, 6 and 15).

15. Regarding claims 8 and 18, McKenna further shows displaying a user interface on a display of said television for said controlling communication of said transfer of the media (Figs. 6 – 8).

16. Regarding claims 9 and 19, McKenna further shows scheduling said transfer of the media from said first geographic location to at least said second geographic location utilizing said television without consuming the media during said transfer (Figs. 6, 8, 9 – 11).

17. Regarding claims 10 and 20, McKenna further shows storing said transferred media in at least one of said first geographic location and said second geographic location (col. 8 lines 20 – 35, col. 11 lines 37 – 45, col. 14 lines 15 -20, col. 15 line 65 – col. 16 line 22).

18. Regarding claim 21, McKenna further shows a system for supporting communication of media, the system comprising a media peripheral at a first geographic location (Fig. 15, items 104 + 102A)

a television within a media processing system at a home location that is remotely located from the first geographic location, said television is utilized to arrange media delivery from a second geographic location that is remotely located from said home location to the media peripheral at the first geographic location for playback on said

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media peripheral (Figs. 6, 10, 15 and col. 6 lines 20 - 30, col. 9 lines 37 - 40, col. 15 line 65 - col. 16 line 7); and

a communication pathway between the first geographic location and the second geographic location that operates independent of said television through which the media is delivered (Fig. 15 item 101).

19. Regarding claim 22, McKenna further shows wherein said television generates at least one command that causes said media delivery (Figs. 6-8, col. 11 line 38 - col. 12 line 15, col. 12 lines 63 - 65).

20. Regarding claim 23, McKenna further shows wherein said television responds to said at least one command resulting in said media delivery (Figs. 6-8, col. 11 line 38 - col. 12 line 15, col. 12 lines 63 - 65).

21. Regarding claim 24, McKenna further shows wherein said television displays a user interface that is utilized to control said media delivery (Fig. 6).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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23. Claims 7, 17, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna in view of SONICblue (ReplayTV 4000 Users Guide, 2001; where the features of the ReplayTV 4000).

24. Regarding claims 7 and 17, McKenna shows claims 1 and 11.

McKenna does not show explicitly wherein said first geographic location and said second geographic location comprise different residence locations.

SONICblue shows wherein said first geographic location and said second geographic location comprise different residence locations (pgs. 55, 59 - 60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of McKenna with that of SONICblue in order to utilize the content sharing features of the SONICblue DVR, extending the functionality and capabilities of McKenna's disclosure, which also can utilize such devices (col. 4 lines 50 - 55) such as for improving sharing functionality and networking functionality, among others.

25. Regarding claim 25, McKenna in view of SonicBLUE further show wherein said user interface provides an indication of said media peripheral (SONICblue, Chapter 1, pg. 5, Chapter 30, pgs. 20 and 35, Chapter 5, pg. 57).

26. Regarding claim 26, McKenna in view of SonicBLUE further show wherein upon selection of said indication of said media peripheral in said user interface, said media delivery is initiated (SONICblue, Chapter 3, pgs. 27-28, Chapter. 5, pg. 60).

27. Claims 27 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna in view of Seo (US 2002/0147975 A1).

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28. Regarding claims 27 and 31, McKenna shows a system supporting communication of media, the system comprising a media peripheral located at a first home (Fig. 1 items 102 and 104 on the left of page),

a television, within a media processing system, located at a second home (Fig. 1, items 102 and 104 on the right of page) that is remotely located from the first home, wherein said television is utilized to arrange delivery of media from a third location that is remotely located from said first and second homes to said media peripheral at said first home (Fig. 1, col. 5 lines 18 – 29, col. 6 lines 19 - 29).

McKenna does not show where said third location, the source of the media, is another home.

Seo shows where a home can be the source of the media (Fig. 1, [11-12, 21-27]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of McKenna with that of Seo in order to expand the ability of viewers to access media, such as by making media available to users that is not currently being broadcast.

29. Regarding claims 28 and 32, McKenna in view of Seo further show wherein said television transfers stored media to one or both of a media peripheral located at said first home and/or another media peripheral remotely located with respect to said first home (Seo, [11-12, 27]).

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30. Regarding claim 29 and 33, McKenna in view of Seo further show wherein said television schedules said delivery of media to said media peripheral (Seo [11-12], McKenna, Figs. 6, 8-9, 11).

31. Regarding claim 30 and 34, McKenna in view of Seo further show wherein said television redirects delivery of media to said media peripheral without said television at least one of receiving and consuming the media (Seo, [11-12, 21-27]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwinen whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
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